

**STATEMENT UNDER 37 CFR 1.97(e) ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT**

Docket No.
14458

In Re Application Of: **Masaki Ohya, et al.**

Serial No.
09/819,969

Filing Date
March 28, 2001

Examiner
A. Rodriguez

Group Art Unit
2828

Invention: **SELF-SUSTAINED PULSATING LASER DIODE**

TO THE COMMISSIONER FOR PATENTS:

This is a statement under the provisions of 37 CFR 1.97(e) in the above-identified application.

Check applicable statement herebelow:

Statement Under 37 CFR 1.97(e)(1)

- ☒ Each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

Statement Under 37 CFR 1.97(e)(2)

- ☐ No item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned person, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Anthony N. Fresco
Signature

Dated: **January 14, 2004**

Anthony N. Fresco
Registration No. 45,784

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343/4366 Fax

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Anthony N. Fresco
Signature of Person

Anthony N. Fresco

Typed or Printed Name of Person

ANF:yd
cc:

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.

14458

In Re Application: Masaki Ohya, et al.

Serial No.

09/819,969

Filing Date

March 28, 2001

Examiner

A. Rodriguez

Group Art Unit

2828

SELF-SUSTAINED PULSATING LASER DIODE**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **19-1013/SSMP** as described below.
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Anthony N. Fresco

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Anthony N. Fresco
Signature

Dated: January 14, 2004

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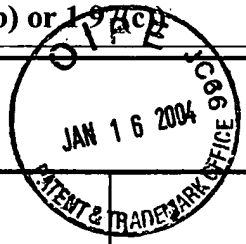
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2828

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT (Under 37 CFR 1.97(b) or 1.97(c))	Docket No. 14458
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In Re Application Of: **Masaki Ohya, et al.**



Serial No. 09/819,969	Filing Date March 28, 2001	Examiner A. Rodriguez	Group Art Unit 2828
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Title: **SELF-SUSTAINED PULSATING LASER DIODE**

Address to:
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

37 CFR 1.97(b)

1. ☐ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. ☒ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☒ the statement specified in 37 CFR 1.97(e);

OR

☐ the fee set forth in 37 CFR 1.17(p).

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Masaki Ohya, et al.	Examiner:	A. Rodriguez
Serial No.:	09/819,969	Art Unit:	2828
Filed:	March 28, 2001	Docket:	14458
For:	SELF-SUSTAINED PULSATING LASER DIODE	Dated:	January 14, 2004

Commissioner for Patents
United States Patent and Trademarks Office
P.O. Box 1450, Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. §§1.97 and 1.98, it is requested that the following references, which are also listed on the attached Form PTO-1449, be made of record in the above-identified case.

1. Japanese Unexamined Patent Application No. 11-87831, published March 30, 1999; and
2. Japanese Unexamined Patent Application No. 11-354895, published December 24, 1999;

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on January 14, 2004.

Dated: January 14, 2004


Anthony N. Fresco

The references were cited in an Official Action dated October 28, 2003 received from the Japanese Patent Office. Applicants are submitting copies of the above cited references, together with an English translation of the Examiner's comments regarding the references from the Official Action. Please note that Reference No. 3, namely, Japanese Unexamined Patent Application No.10-144992, dated May 29, 1998, was previously submitted in applicant's Information Disclosure Statement dated March 28, 2001. The relevance of the references is described in the Official Action.

In compliance with the requirements of 37 C.F.R. §1.98(a)(3), as a concise statement of relevance, as it is presently understood by the individual designated in 37 C.F.R. §1.56(c) most knowledgeable about the content of the information, the undersigned submits a translation of portions of an official action by a foreign examiner in which the references were cited. The relevance to the pending U.S. Patent application is that the references were cited in a foreign patent application on the same subject matter. However, no independent analysis of the references, the accuracy of the statement of the foreign examiner or the claims of the foreign application under the laws of that country or the United States relative to the subject matter claimed in the present application has been made; the present understanding of the contents thereof by the undersigned being based on the translation of the foreign examiner's comments submitted herewith.

Inasmuch as this Information Disclosure Statement is being submitted in accordance with the schedule set out in 37 C.F.R. §1.97(c)(1) and (e)(1), a statement is enclosed.

Respectfully submitted,

A handwritten signature in black ink that reads "Anthony N. Fresco". The signature is written in a cursive style with a large, stylized "A" and "F".

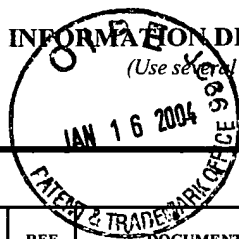
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INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)



Docket Number (Optional)

14458

Application Number

09/819,969

Applicant(s)

Masaki Ohya, et al.

Filing Date

March 28, 2001

Group Art Unit

2828

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

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FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
		11-87831	3/30/1999	Japan				
		11-354895	12/24/1999	Japan				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.